

# Order of Protection

- ☐ Temporary Order
- ☐ Permanent Order
- ☐ Order effective until \_\_\_\_\_
- ☐ Amended Order
- ☐ Dissolved \_\_\_\_\_

Case No:

Court: \_\_\_\_\_

State:

Tribal:

## PETITIONER

First Middle Last

And/or on behalf of minor family member(s): (list name, date of birth, sex and race):

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

## PETITIONER IDENTIFIERS

Date of Birth of Petitioner

Race/Sex

Other Protected Person(s): (list name, date of birth, race and sex):

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

## RESPONDENT

First Middle Last

Respondent's Address: \_\_\_\_\_

Federal Firearm Disqualification Criteria:

- ☐ Hearing/actual notice with opportunity to participate
- ☐ Child or Intimate Partner (married/divorced/common child/cohabitates or has cohabitated)
- ☐ Order restrains Respondent from harassing, stalking, or threatening, or other conduct that creates reasonable fear of bodily injury to Petitioner(s)
- ☐ Order finds a credible threat or prohibits use, attempted use, or threatened use of physical force

### CAUTION:

☐ Weapon Involved ☐ Weapon on Property

## RESPONDENT IDENTIFIERS

SEX	RACE	DOB	HT	WT
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
EYES	HAIR	SOCIAL SECURITY #		
<input type="text"/>	<input type="text"/>	<input type="text"/>		
DRIVERS LICENSE#		STATE	EXP DATE	
<input type="text"/>		<input type="text"/>	<input type="text"/>	
VEH. MAKE/MODEL		COLOR	PLATE#	
<input type="text"/>		<input type="text"/>	<input type="text"/>	

Distinguishing Features:

\_\_\_\_\_

### THE COURT HEREBY FINDS:

That it has jurisdiction over the parties and subject matter, and that the Petitioner is in danger of immediate harm. The Court acts without notice to the Respondent (temporary order) or Respondent has been provided with reasonable notice and opportunity to be heard (permanent order). Additional findings of this order are set forth herein or may be attached hereto:

### THE COURT HEREBY ORDERS:

- ☐ That the above named Respondent be restrained from committing further acts of abuse or threats of abuse.
- ☐ That the above named Respondent shall stay at least \_\_\_\_\_ feet away from Petitioner's \_\_\_\_\_ person, \_\_\_\_\_ home, \_\_\_\_\_ workplace, \_\_\_\_\_ vehicle, \_\_\_\_\_ children's school/daycare, \_\_\_\_\_ other: \_\_\_\_\_
- ☐ Additional terms of this order are as set forth herein or may be attached hereto

Date Issued: \_\_\_\_\_

By: \_\_\_\_\_

Judge/Justice

### WARNINGS TO RESPONDENT:

This order shall be enforced, even without registration, by the courts of any state, the District of Columbia, any U.S. Territory, and shall be enforced on Tribal Lands (18 U.S.C. Section 2265). Crossing state, territorial, or tribal boundaries to violate this order may result in federal imprisonment (18 U.S.C. Section 2262).

Federal law provides penalties for possessing, transporting, shipping or receiving any firearm or ammunition (18 U.S.C. Section 922(g)(8)). Only the Court can change this order.

## **FINDINGS**

**THE COURT FINDS** from the Petition that the Petitioner is in danger of harm. This Court acts without notice or upon hearing to the Respondent because harm may result to the Petitioner if the Order of Protection is not issued immediately.

1. Respondent is restrained from assaulting, threatening, abusing, harassing, following, or stalking the Petitioner. Respondent must not harass, annoy, or disturb Petitioner's peace or do any of those things to the following people (may include family members, witnesses to the offense, or other victims of the offense):  
\_\_\_\_\_  
\_\_\_\_\_.

2. Respondent must not threaten to commit or commit acts of violence against Petitioner or against these family members:  
\_\_\_\_\_  
\_\_\_\_\_.

3. The following applies to Petitioner's present residence:

- a. Petitioner's current location is a secret and should remain confidential.

**-OR-**

- b. Respondent must stay away from Petitioner's residence at:  
\_\_\_\_\_  
\_\_\_\_\_.

4. Respondent must stay 1500 feet or other appropriate distance (\_\_\_\_\_ feet) away from Petitioner's \_\_\_\_\_ person, \_\_\_\_\_ home, \_\_\_\_\_ workplace, \_\_\_\_\_ school, \_\_\_\_\_ vehicle, \_\_\_\_\_ children's school/daycare, \_\_\_\_\_ other: \_\_\_\_\_  
\_\_\_\_\_.

5. Respondent must not telephone, email, write, contact, or otherwise communicate, directly or indirectly or through a third party with Petitioner or the following people (may include family members, witnesses to the offense, or other victims of the offense):  
\_\_\_\_\_  
\_\_\_\_\_.

6. Respondent must not take the following child(ren) out of this county:  
\_\_\_\_\_.

7. Respondent used or threatened Petitioner with a firearm. Respondent is prohibited from owning, possessing and/or purchasing a firearm.

8. Respondent must not take, hide, sell, damage or dispose of Petitioner's property.

9. Respondent must give Petitioner possession or use of the following items (items may include the residence, automobile, and other essential personal property regardless of ownership): \_\_\_\_\_  
\_\_\_\_\_.

10. Petitioner needs a peace officer to accompany him/her to pick up the property listed in Number 9, or Respondent must be accompanied by a peace officer when picking up his/her property or to accompany respondent to pick up his/her belongings.
11. The Court orders the following to provide for Petitioner's safety and welfare and Petitioner's family's safety and welfare:  
\_\_\_\_\_  
\_\_\_\_\_.
12. Other relief: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_.

A hearing on Petitioner's request that this order be made an Order of Protection for a specific time or effective permanently will be held before this Court on \_\_\_\_\_, 200\_\_, at the hour of \_\_\_\_\_.m. or as soon thereafter as the matter may be heard, in the courtroom at \_\_\_\_\_.

This Order of Protection shall continue in full force and effect until \_\_\_\_\_.

**Petitioner: You should immediately report any violation of this order to law enforcement. You also have the right to return to court to report any violation of this order.**

**Respondent: If you fail to appear for the hearing the judge will make a decision about the order of protection in your absence. This decision could affect your ability to own or possess firearms.**

### **WARNING**

**Violation of this Order may be a criminal offense under applicable Federal or Tribal law and is a criminal offense under Mont. Code Ann. § 45-5-220 or § 45-5-626 and may carry penalties of up to \$10,000 in fines and up to a 5 year jail sentence.**

**This Order is issued by the Court and the Respondent is forbidden to do any act listed in the Order, even if invited by the Petitioner or another person. This Order may be amended only by further order of this Court or another court that assumes jurisdiction over this matter.**

The Sheriff is hereby directed to serve, without cost to Petitioner, a copy of this Order of Protection together with a copy of Petitioner's petition upon Respondent and to file a return of service with the clerk of this court. This service will be as soon as possible and before the date of the hearing. Upon receipt of proof of this Order, the clerk is hereby directed to mail or otherwise promptly deliver a copy of this Order, together with a copy of the proof of service, to the following law enforcement agencies:

\_\_\_\_\_  
\_\_\_\_\_

ISSUED this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, at the hour of \_\_\_\_\_ .m.

\_\_\_\_\_  
Judge/Justice

SHERIFF'S RETURN

I served this Order of Protection on the Respondent by delivering a copy to him/her at  
\_\_\_\_\_.m., on \_\_\_\_\_, 200\_\_\_\_\_.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 200\_\_\_\_\_.

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Sheriff

OVS5 (11/05)